

JOHN DRYSDALE.

[To accompany bill H. R. No. 485.]

JUNE 10, 1842.

Mr. COWEN, from the Committee of Claims, submitted the following

REPORT:

The Committee of Claims, to which was referred the petition of John Drysdale, report:

That it appears, from the certificate of Brigadier General Joseph M. Hernandez, that the petitioner was "constantly and laboriously employed," as assistant adjutant general of the 2d brigade of Florida militia, from the 10th of November, 1835, until the 20th of April, 1836. His service was performed in the brigade commanded by General Hernandez.

It is represented, and the committee are satisfied of the correctness of the representation, that, when the act of March 3, 1839, was passed for the relief of the "officers and non-commissioned officers of the 2d regiment of the 2d brigade of Florida militia," it was supposed that the case of the petitioner was provided for by it. Being a brigade and not regimental officer, he did not come within the description of officers in the act. The committee have not gone into a particular examination and consideration of the grounds of the claim of those for whose relief the act of March 3, 1839, was passed. So far as they have gone with that examination, they are satisfied with the justice of the claims. (See Rep. 209, 1 vol. Rep., 3d sess. 25th Congress.) Having satisfactory evidence that the petitioner was a valuable officer, and "that he discharged the duties of his office with honor to himself and credit to the service," and as his associates in arms have been paid by their country for their services during the same period for which he claims, the committee recommend the passage of a law for his relief, and for that purpose report a bill. The petition, statement of General Hernandez, and the petitioner's account, are herewith published.

To the honorable the House of Representatives of the United States.

The memorial of John Drysdale, of the city of St. Augustine, in the Territory of Florida,

RESPECTFULLY SHOWETH:

That on and before the 10th day of November, one thousand eight hun-

dred and thirty-five, your memorialist held the office of assistant adjutant general of the 2d brigade Florida militia, then and now commanded by Brigadier General Jos. M. Hernandez, under and according to the laws of the Territory of Florida; that, on the said 10th day of November, one thousand eight hundred and thirty-five, a part of the said brigade, and immediately thereafter the whole of it, was called into actual and active service by the orders of General Hernandez, under the laws of the Territory, and with the concurrence and approbation, as your memorialist believes, of the officer in command of the forces of the United States then in Florida, for the purpose of protecting the inhabitants from the aggressions of the Indians, and of suppressing their hostilities; that, from the said 10th day of November, one thousand eight hundred and thirty-five, to the 20th day of April, one thousand eight hundred and thirty-six, your memorialist was in the unremitted and laborious discharge of the duties of his said office—on which latter day the brigade commanded by General Hernandez was ordered out of service.

Your memorialist respectfully represents that, in consequence of the organization of the militia force, under the command of General Hernandez at that time, being founded on the laws of the Territory, and not conforming to the regulations prescribed by the laws of the United States for the organization of the army thereof, and also in consequence of a part of that force having been suddenly ordered into service by General Hernandez, in virtue of his authority under the laws of the Territory, on the emergency above referred to, and not having been regularly mustered into service agreeably to the laws of the United States, difficulties occurred, in respect to the payment of a part of this command, which, in respect to your memorialist, have not been removed to this day; and he remains without having received the pay and emoluments to which he is justly entitled for the above-mentioned term of service.

Your memorialist further respectfully represents, that the act of the Congress of the United States, entitled "An act for the relief of certain officers of the Florida militia," approved the 3d March, 1839, was passed to afford relief to certain officers of the command of General Hernandez who had not been paid; that it was designed that the case of your memorialist should have been provided for by that statute, but, owing, as your memorialist has been informed, to inadvertance and oversight, such provision was omitted to be made.

Your memorialist prays leave to refer your honorable body to his accounts, hereto annexed, which are sustained by the muster roll of the staff of General Hernandez, now on file in the War Department, which show that your memorialist is justly entitled to the sum of \$692 69 from the United States: wherefore he prays that your honorable body will be pleased to pass an act for his relief in the premises. And, as in duty bound, he will ever pray, &c.

JNO. DRYSDALE.

ST. AUGUSTINE, *February 10, 1842.*

WASHINGTON, *February 26, 1842.*

I certify that the facts set forth in the foregoing petition are substantially correct, and that the petitioner was, during the period of service

for which pay is claimed, constantly and laboriously employed, and that he discharged the duties of his office with honor to himself and credit to the service; that it was supposed by Mr. Downing, who was Delegate from Florida at the passage of the act of the 3d of March, 1839, that Major John Drysdale was embraced in its provisions.

JOSEPH M. HERNANDEZ,
Brig. Gen. Com. 2d Brigade F. M.

DR. *The United States to Major John Drysdale, Assistant Adjutant General 2d brigade Florida militia, commanded by Brigadier General Joseph M. Hernandez.*

On what account.	Commencement and expiration.		Term of service charged.		Pay per month.	Amount.
	From.	To.	Mon's.	Days.		
PAY—						
For myself	10th Nov., 1835	20th April, 1836	5	11	\$50	\$268 33
For 2 private servants, not soldiers	Do	Do	5	11	14	75 13
FORAGE—						
For horse.						
CLOTHING—						
For 2 private servants, not soldiers	Do	Do	5	11	5	26 83
			No. of days.	No. of rations per day.	Total No. of rations.	Price of rations.
SUBSISTENCE—						Cts.
For myself	Do	Do	162	4	648	20
Do addit'l.						
For 2 private servants, not soldiers	Do	Do	162	2	324	20
						\$564 69

I hereby certify that the foregoing account is accurate and just; that I have not received pay, nor drawn rations, or clothing in kind, or received money in lieu of any part thereof, for any part of the time therein charged; that I actually employed and kept in service the horses and private servants for the whole of the time charged; and that I did not, during the term so charged, or any part thereof, keep or employ, as waiters or servants, soldiers from the line of the army; that the annexed is an accurate description of my servants; that, for the whole period charged for my staff appointment, I actually and legally held the appointment; and that no officer, within my knowledge, has a right to claim, or does claim, for said services, or any part of the period charged; and that I am not in arrears on any account whatsoever.

JNO. DRYSDALE.

St. AUGUSTINE, February 10, 1842.

Pay	-	\$343 46	Clothing	-	\$26 83
Subsistence		194 40			
Forage	-	0 00	Amount	-	\$564 69

Description of servants.—Names, Scipio and James; complexion, black slaves.

I certify that the foregoing account is correct and just.

JOSEPH M. HERNANDEZ,

WASHINGTON, February 26, 1842.

Brig. Gen. com. 2d brig. Flor. Mil.

DR. *The United States to Major John Drysdale, Assistant Adjutant General 2d brigade Florida militia, commanded by Brigadier General Joseph M. Hernandez.*

For my allowance for quarters from the 10th November, 1835, to the 20th April, 1836, at \$24 per month - - - - \$128

I hereby certify that the foregoing account is correct and just, and that I have not received pay or money, in lieu of any part thereof, for any part of the time charged.

JNO. DRYSDALE.

ST. AUGUSTINE, *February* 10, 1842.

Pay account	-	-	-	\$564 69
Allowance for quarters	-	-	-	128 00
Total	-	-	-	<u>\$692 69</u>